

[Submitting Counsel on Signature Page]

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY
PRODUCTS LIABILITY LITIGATION

No. 4:22-MD-3047

MDL No. 3047

This Document Relates to:

ALL ACTIONS

**OMNIBUS SEALING STIPULATION
REGARDING JOINT LETTER BRIEF
REGARDING THE SCOPE OF
DISCOVERY ABOUT THE “TIKTOK
PLATFORM”**

Pursuant to Civil Local Rules 7-11 and 79-5 and this Court's Order Setting Sealing Procedures (ECF No. 341), Plaintiffs and Defendants TikTok, Ltd., TikTok, LLC, TikTok, Inc., ByteDance Ltd., and ByteDance Inc. (collectively referred to in this submission as "TikTok Defendants," and with Plaintiffs as the "Parties") submit this Omnibus Sealing Stipulation Regarding Joint Letter Brief Regarding the Scope of Discovery About the "TikTok Platform."

On May 1, 2024, the Parties filed their Joint Letter Brief Regarding Discovery About the "TikTok Platform" (hereinafter "Joint Letter Brief") (ECF No. 800), together with a Joint Temporary Sealing Motion (ECF No. 801). The Parties filed the Joint Letter Brief with confidentiality redactions (at ECF No. 800), and submitted a sealed unredacted copy of the Joint Letter Brief to the Court (ECF No. 801-1).

The Parties now agree that the following portions of the Joint Letter Brief should remain sealed:

Docket No.	Language to Be Redacted	Basis for Sealing Redactions
ECF Nos. 800/801-1	First redaction in page 1, paragraph 1: beginning after "And TikTok documents show that" and ending before "The U.S. version of its platform."	The language that is the subject of redaction discusses the TikTok Defendants' confidential platform design, testing, and marketing and business strategies; and further characterizes and/or directly quotes from confidential internal memos regarding the same. Disclosure of this information would provide the TikTok Defendants' competitors with insights into the TikTok Defendants' business that they would not otherwise have, and thereby cause competitive harm to the TikTok Defendants. <i>See</i> Declaration of Noreen Yeh; <i>see also</i> <i>Nixon v. Warner Commc'ns, Inc.</i> , 435 U.S. 589, 598 (1978) (stating that "sources of business information that might harm a litigant's competitive standing" properly may be sealed); <i>Phillips ex rel. Estates of Byrd v. General Motors Corp.</i> , 307 F.3d 1206, 1211 (9th Cir. 2002) ("The law . . . gives district courts broad latitude
ECF Nos. 800/801-1	Second redaction in page 1, paragraph 1: beginning after "usage to 'just 40 minutes per day');" and extending through the end of the paragraph.	
ECF Nos. 800/801-1	Only redaction in the first full paragraph of page 2: beginning after "strategies are often global. <i>E.g.</i> ," and extending through the end of the paragraph.	
ECF Nos. 800/801-1	Redaction in page 3, line 2: beginning after "how to make TikTok safer. <i>E.g.</i> ," and ending before "Thus, what ByteDance has done."	
ECF Nos. 800/801-1	Redaction in the first full paragraph of page 3: beginning after "For example," and ending before	

	“would not have been produced.”	to grant protective orders to prevent disclosure of materials for many types of information, including, but not limited to, trade secrets or other confidential research, development, or commercial information.”).
ECF Nos. 800/801-1	Redaction beginning on page 4 and extending into page 5: beginning after “As another example, Plaintiffs cite to” on page 4 and ending before “(Id. at 2)” on page 5.	

The Parties agree that the portions of the Joint Letter Brief not listed in the above chart may be unsealed. The TikTok Defendants do not waive, and expressly reserve, their right to move to seal other material from, or derived from, documents quoted, paraphrased, characterized, or otherwise cited in the Joint Letter Brief. The confidentiality or appropriateness of sealing material other than cited portions of the Joint Letter Brief is not currently at issue, and the TikTok Defendants do not waive any right with respect to that material.

Plaintiffs’ agreement to allow portions of the Joint Letter Brief to remain under seal is made in a good faith effort to resolve the current dispute and is not a concession that the agreed redactions are mandated by law. Plaintiffs’ agreement extends solely to the copy of the Joint Letter Brief and, as such, does not extend to any underlying documents or information within those documents. Plaintiffs reserve all rights to oppose sealing this same or similar information in the future, as well as to unseal or de-designate the Joint Letter Brief in its entirety in the future.

Pursuant to this Court’s sealing procedures, the following are attached hereto: (i) a modified copy of the Joint Letter Brief, with the redactions agreed by the Parties listed above; (ii) the Declaration of Noreen Yeh supporting the requests to seal; and (iii) a Proposed Order On Undisputed Sealing Requests.

IT IS SO STIPULATED, through Counsel of Record.

Dated: May 22, 2024

Respectfully submitted,

/s/ Lexi J. Hazam
LEXI J. HAZAM
**LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP**
275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
Telephone: 415-956-1000
lhazam@lchb.com

PREVIN WARREN
MOTLEY RICE LLC
401 9th Street NW Suite 630
Washington DC 20004
Telephone: 202-386-9610
pwarren@motleyrice.com

Co-Lead Counsel

CHRISTOPHER A. SEEGER
SEEGER WEISS, LLP
55 Challenger Road, 6th floor
Ridgefield Park, NJ 07660
Telephone: 973-639-9100
Facsimile: 973-679-8656
cseeger@seegerweiss.com

Counsel to Co-Lead Counsel and Settlement
Counsel

JENNIE LEE ANDERSON
ANDRUS ANDERSON, LLP
155 Montgomery Street, Suite 900
San Francisco, CA 94104
Telephone: 415-986-1400
jennie@andrusanderson.com

Liaison Counsel

JOSEPH G. VANZANDT
**BEASLEY ALLEN CROW METHVIN
PORTIS & MILES, P.C.**
234 Commerce Street
Montgomery, AL 36103
Telephone: 334-269-2343
joseph.vanzandt@beasleyallen.com

EMILY C. JEFFCOTT
MORGAN & MORGAN
220 W. Garden Street, 9th Floor
Pensacola, FL 32502
Telephone: 850-316-9100
ejeffcott@forthepeople.com

Federal/State Liaison Counsel

MATTHEW BERGMAN
SOCIAL MEDIA VICTIMS LAW CENTER
821 Second Avenue, Suite 2100
Seattle, WA 98104
Telephone: 206-741-4862
matt@socialmediavictims.org

JAMES J. BILSBORROW
WEITZ & LUXENBERG, PC
700 Broadway
New York, NY 10003
Telephone: 212-558-5500
Facsimile: 212-344-5461
jbilsborrow@weitzlux.com

PAIGE BOLDT
WATTS GUERRA LLP
4 Dominion Drive, Bldg. 3, Suite 100
San Antonio, TX 78257
Telephone: 210-448-0500
PBoldt@WattsGuerra.com

THOMAS P. CARTMELL
WAGSTAFF & CARTMELL LLP
4740 Grand Avenue, Suite 300
Kansas City, MO 64112
Telephone: 816-701 1100
tcartmell@wcllp.com

JAYNE CONROY
SIMMONS HANLY CONROY, LLC
112 Madison Ave, 7th Floor
New York, NY 10016
Telephone: 917-882-5522
jconroy@simmonsfirm.com

SARAH EMERY
HENDY JOHNSON VAUGHN EMERY, PSC
2380 Grandview Drive
Ft. Mitchell, KY 41017
Telephone: 888-606-5297
semery@justicestartshere.com

CARRIE GOLDBERG
C.A. GOLDBERG, PLLC
16 Court St.
Brooklyn, NY 11241
Telephone: (646) 666-8908
carrie@cagoldberglaw.com

RONALD E. JOHNSON, JR.
HENDY JOHNSON VAUGHN EMERY, PSC
600 West Main Street, Suite 100
Louisville, KY 40202
Telephone: 859-578-4444
rjohnson@justicestartshere.com

1
2 SIN-TING MARY LIU
3 **AYLSTOCK WITKIN KREIS &**
4 **OVERHOLTZ, PLLC**
5 17 East Main Street, Suite 200
6 Pensacola, FL 32502
7 Telephone: 510-698-9566
8 mliu@awkolaw.com

9
10 JAMES MARSH
11 **MARSH LAW FIRM PLLC**
12 31 Hudson Yards, 11th floor
13 New York, NY 10001-2170
14 Telephone: 212-372-3030
15 jamesmarsh@marshlaw.com

16
17 ANDRE MURA
18 **GIBBS LAW GROUP, LLP**
19 1111 Broadway, Suite 2100
20 Oakland, CA 94607
21 Telephone: 510-350-9717
22 amm@classlawgroup.com

23
24 HILLARY NAPPI
25 **HACH & ROSE LLP**
26 112 Madison Avenue, 10th Floor
27 New York, New York 10016
28 Telephone: 212.213.8311
hnappi@hrsclaw.com

EMMIE PAULOS
LEVIN PAPANTONIO RAFFERTY
316 South Baylen Street, Suite 600
Pensacola, FL 32502
Telephone: 850-435-7107
epaulos@levinlaw.com

RUTH THI RIZKALLA
THE CARLSON LAW FIRM, P.C.
1500 Rosecrans Ave., Ste. 500
Manhattan Beach, CA 90266
Telephone: 415-308-1915
rrizkalla@carlsonattorneys.com

ROLAND TELLIS
DAVID FERNANDES
BARON & BUDD, P.C.
15910 Ventura Boulevard, Suite 1600
Encino, CA 91436
Telephone: (818) 839-2333
Facsimile: (818) 986-9698
rtellis@baronbudd.com
dfernandes@baronbudd.com

ALEXANDRA WALSH
WALSH LAW
1050 Connecticut Ave, NW, Suite 500
Washington D.C. 20036
Telephone: 202-780-3014
awalsh@alexwalshlaw.com

MICHAEL M. WEINKOWITZ
LEVIN SEDRAN & BERMAN, LLP
510 Walnut Street
Suite 500
Philadelphia, PA 19106
Telephone: 215-592-1500
mweinkowitz@lfsbalw.com

MELISSA YEATES
JOSEPH H. MELTZER
**KESSLER TOPAZ MELTZER & CHECK,
LLP**
280 King of Prussia Road
Radnor, PA 19087
Telephone: 610-667-7706
myeates@ktmc.com
jmeltzer@ktmc.com

DIANDRA "FU" DEBROSSE ZIMMERMANN
DICELLO LEVITT
505 20th St North
Suite 1500
Birmingham, Alabama 35203
Telephone: 205.855.5700
fu@dicellolevitt.com

Attorneys for Plaintiffs

/s/ Andrea Roberts Pierson
Andrea Roberts Pierson, *pro hac vice*
andrea.pierson@faegredrinker.com
Amy Fiterman, *pro hac vice*
amy.fiterman@faegredrinker.com
Faegre Drinker LLP
300 N. Meridian Street, Suite 2500
Indianapolis, IN 46204
Telephone: + 1 (317) 237-0300
Facsimile: +1 (317) 237-1000

KING & SPALDING LLP

/s/ Geoffrey M. Drake

Geoffrey M. Drake, *pro hac vice*

gdrake@kslaw.com

David Mattern, *pro hac vice*

dmattern@kslaw.com

King & Spalding LLP

1180 Peachtree Street, NE, Suite 1600

Atlanta, GA 30309

Telephone: + 1 (404) 572-4600

Facsimile: + 1 (404) 572-5100

Attorneys for Defendants TikTok Inc., ByteDance

Inc., ByteDance Ltd., TikTok Ltd., and TikTok,

LLC